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10 Attorneys for Plaintiff
11 Amaretto Ranch Breedables, LLC

12 Attorneys for Defendant
13 Ozimals, Inc.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 (SAN FRANCISCO DIVISION)

17 AMARETTO RANCH BREEDABLES, LLC,) Case No.: C-10-05696 CRB

18 Plaintiff,)

19 vs.)

20 OZIMALS, INC.,)

21 Defendant.)

) **STIPULATION AND [PROPOSED]**
() **ORDER**

22
23 WHEREAS, on January 11, 2011 during the Case Management Conference before this
24 Court, Plaintiff Amaretto Ranch Breedables, LLC (“Plaintiff”) informed this Court and Defendant
25 Ozimals, Inc. (“Defendant”) of its intent to amend its Complaint;

26 WHEREAS, on January 19, 2011, Defendant filed a Motion to Dismiss certain causes of
27 action pleaded in Plaintiff’s Complaint (DE 60);

1 WHEREAS, the parties have met and conferred regarding the most efficient course of
2 proceeding in light of Plaintiff's intended amended pleading and Defendant's Motion,

3 IT IS HEREBY STIPULATED, by and between the parties, hereto, through their respective
4 counsel, as follows pursuant to Civ. L. R. 6-1 and 7-12:

5 1. Upon entry of the Court's Order pursuant to this Stipulation, Defendant will
6 withdraw its Motion to Dismiss and associated filings (DE 60 and 61) without prejudice to re-file
7 such a motion as set forth in this Stipulation;

8 2. Plaintiff will have 14 days from the entry of this Court's Order to file and serve its
9 First Amended Complaint;

10 3. Defendant's counsel, Mr. Stephen Wu, will accept service of the First Amended
11 Complaint, on behalf of Defendant Ozimals, Inc.;

12 4. Defendant will have 30 days from service of the First Amended Complaint to file and
13 serve its response;

14 SO STIPULATED this 21st day of January, 2011:

15 Dated: January 21, 2011

KRIEG, KELLER, SLOAN, REILLY & ROMAN LLP

16
17 By: _____/s/ _____
18 KENNETH E. KELLER
19 Attorneys for Plaintiff
Amaretto Ranch Breedables, LLC

20 Dated: January 21, 2011

COOKE, KOBRIK, & WU LLP

21
22 By: _____/s/ _____
23 STEPHEN S. WU
24 Attorneys for Defendant
Ozimals, Inc.

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: January 25, 2011

27
28 HON. CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE



DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained from Stephen S. Wu, counsel for Defendant.

Dated: January 21, 2011 KRIEG, KELLER, SLOAN, REILLY & ROMAN LLP

KRIEG, KELLER, SLOAN, REILLY & ROMAN LLP

By: _____ /s/ _____
KENNETH E. KELLER
Attorneys for Plaintiff
Amaretto Ranch Breedables, LLC